

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAIIIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MAR 10 2021

at 2 o'clock and 15 min. P M
MICHELLE RYNNE, CLERK

CALVIN CHRISTOPHER GRIFFIN

(Pro se)

Phone: (808) 545-1301

Address: 1154 Fort Street Mall
Suite 410
Honolulu, Hawaii 96813

Plaintiff

VS.

STATE OF HAWAII

CLARE CONNORS

(ATTORNEY GENERAL)

OFFICE OF ELECTIONS

SCOTT NAGO

(CHIEF ELECTION OFFICER)

Defendant (s)

CIV. NO. 20-00454 SOM/KJM

JURY

☒
Y☐
N

JURISDICTION:

☒FEDERAL DIVERSITY OF
CITIZENSHIP

SUIT:

☒

Federal Officials (Bivens claim)

State or Local Officials (1983 claim)

SECOND AMENDED COMPLAINT
(REVISED)

SECOND AMENDED COMPLAINT

STATEMENT OF THE CASE:

Plaintiff has been discriminated against by the State of Hawaii evoking HRS §12-41(b) that conflicts with and is in violation of the U.S. 14th Amendment 14.S1.4.3.3.3.1.2 Partisan Gerrymandering. Plaintiff attained the Highest non partisan vote count of 2324 votes in the 2020 contest for the State of Hawaii U.S. Representative, District 1.. These results were "FINAL SUMMARY REPORT", AUGUST 20, 2020 @ 9:53 am HST.

State of Hawaii Office of Elections did not include Plaintiffs Name Calvin Christopher Griffin on the General Election Ballot. Office of Elections based their decision to eliminate Mr. Griffin, who is the successful, Non partisan Candidate in the 2020 Primary Election. Non partisan candidates were listed the same as all of the other party candidates on the ballot for the Primary contest. Primary ballot was not arranged in alphabetical order and (non partisan ballot) was in the center.

Office of Elections has interpreted that Plaintiff is not entitled Plaintiffs name to appear on the General Election ballot. HRS§12-41(b) is Partisan Gerrymandering, and discriminates against nonpartisan candidates and thereby is infringing upon my constitutional rights as a citizen by imposing anticompetitive restrictions on the political process denying voters the right to make free choices

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and to associate politically through the vote. The arrangement and appearance on Primary Ballot is misleading and deceptive. Discrimination is clearly demonstrated by the outcome of the Primary Election where even though none of the other "third parties" nominated a candidate for the 1st Congressional District and I was declared the winner in that class with a reasonable number of votes I was denied participation in the General Election. The two political parties acting under color of state authority enacted this self-interested legislation that some may argue constitutes antidemocratic collusion and definitely discriminatory in addressing non partisan candidates as myself.

Amdt14.S1.4 EQUAL PROTECTION RIGHTS

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amdt14.S1.4.3.3.1.2 PARTISAN GERRYMANDERING.

ger-ry-man-der /'jerē,mandər/verb ,gerund or present participle: **gerrymandering**

1. manipulate the boundaries of (an electoral constituency) so as to favor one party or class.
 - o achieve (a result) by manipulating the boundaries of an electoral constituency.
 - o "a total freedom to gerrymander the results they want"

HRS§ 12-41(b) Any nonpartisan candidate receiving at least ten per cent of the total votes cast for the office for which the person is a candidate at the primary or special primary, or a vote equal to the lowest vote received by the partisan candidate who was nominated in the primary or special primary, shall also be a candidate at the following election; provided that when more nonpartisan candidates qualify for nomination than there are offices to be voted for at the general or special general election, there shall be certified as candidates for the following election those receiving the highest number of votes, but not more

candidates than are to be elected. [L 1970, c 26, pt of §2; am L 1973, c 217, §2(j); am L 1979, c 139, §10; am L 1983, c 34, §21]

Fourteenth Amendment (14), Section 1: Equal Protection Clause of the Federal Constitution

Relief:

1. Plaintiff's Name to be Recognized and placed on the 2020 General Election ballot as a candidate for the Representative of 1st Congressional District, State of Hawaii.
2. Plaintiff served honorably in the United States Army for the more than 24 years, active and reserves. Plaintiff served was in the defense of the principles of Freedom and Democracy here at home and in other countries. It is deeply and profoundly troubling to realize that after the millions of men and women have served and died supposedly defending our freedoms only to come to the stark realization is that the election process is being undermined by political entities motivated and enacting laws with self serving interests that undermine the very freedoms that Plaintiff has sworn to protect. Because of the extreme mental, emotional distress and for all who share the sense of betrayal of our democratic system Plaintiff seeks Fifty Millions (50) dollars in Compensatory and Punitive damages.

DATE: 9 March 2021

PLACE: HONOLULU, HAWAII

SIGNATURE Coleman